

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
DELTA DIVISION**

MATTHEW L. STASZAK

PLAINTIFF

v.

Case No. 2:19-cv-00052 KGB-PSH

UNITED STATES OF AMERICA, *et al.*

DEFENDANTS

ORDER

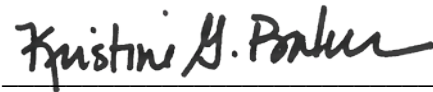
Before the Court are plaintiff Matthew L. Staszak's motion for summary judgment, Findings and Partial Recommendation submitted by United States Magistrate Judge Patricia S. Harris, Mr. Staszak's objection to the Findings and Partial Recommendation, and Mr. Staszak's motion for action (Dkt. Nos. 28, 29, 30, 31). After a review of the Findings and Partial Recommendation and Mr. Staszak's objection, as well as a *de novo* review of the record, the Court adopts the Findings and Partial Recommendation in their entirety, denies Mr. Staszak's motion for summary judgment, and denies as moot Mr. Staszak's motion for action (Dkt. Nos. 28, 29, 31).

Mr. Staszak, an inmate at the Federal Correctional Institution at Forest City, Arkansas, filed this *pro se* civil rights complaint (Dkt. Nos. 1, 9). Mr. Staszak moved for summary judgment on October 7, 2019 (Dkt. No. 28). Under Rule 56 of the Federal Rules of Civil Procedure, summary judgment is proper if "the movant shows that there is no genuine dispute as to any material fact and that the moving party is entitled to a judgment as a matter of law." Fed. R. Civ. P. 56(a); *see also Celotex v. Catrett*, 477 U.S. 317, 321 (1986). An assertion that a fact cannot be disputed or is genuinely disputed must be supported by materials in the record such as "depositions, documents, electronically stored information, affidavits or declarations, stipulations (including those made for purposes of the motion only), admissions, interrogatory answers, or other materials" Fed. R. Civ. P. 56(c)(1)(A).

Judge Harris determined that Mr. Staszak's motion for summary judgment should be denied for the following reasons: it is unsupported and frivolous; Mr. Staszak failed to attach a supporting statement of material undisputed facts as required by Local Rule 56.1; Mr. Staszak provides no proof to support his claims for relief; Mr. Staszak's allegation that an affidavit filed by the defendants contains a typographical error does not warrant the entry of summary judgment in his favor; Mr. Staszak claims the affidavit is untrue but does not describe how it is untrue apart from containing the wrong case number; and the fact that the affidavit is dated August 7, 2019, but defendants' motion for summary judgment was filed in September 2019 is immaterial (Dkt. No. 29, at 1-2). Mr. Staszak's objections fail to rebut Judge Harris' findings (Dkt. No. 30).

Accordingly, the Court adopts Judge Harris' Findings and Partial Recommendation as its own opinion and denies Mr. Staszak's motion for summary judgment (Dkt. No. 28, 29). The Court denies as moot Mr. Staszak's motion for action (Dkt. No. 31).

It is so ordered this 4th day of February, 2020.

A handwritten signature in black ink, reading "Kristine G. Baker". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Kristine G. Baker
United States District Judge